IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 20668 of 2004

Between:

Sekhar Kumar Harpal, S/o M. Singh,
R/o D.No. 36, Manifeat Agad Basti, Jamshedpur, Jarkhand,
Now Resident of Chittoor.

..... PETITIONER

AND

1 The Regional Transport Authority, Chittoor.
2 Assistant Motor Vehicle Inspector, Integrated Check Post, Naraharipeta, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seizing/detaining the Heavy Goods Vehicle bearing registration No. HR 38A 1190 on the ground that Home State Tax not paid for the quarter ending 30-9-2004 in spite of producing the original tax receipts as arbitrary, illegal and unjust and consequently declare that the owner of the vehicle is not liable to pay the Home State Tax as alleged by the respondents.

Counsel for the Petitioner:MR.C.M.R.VELU

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following ORDER:

(per BRSR,J)

This writ petition is directed against the vehicle check report dated 03-10-2004. The subject matter that arises for consideration is squarely covered by the decision rendered by this Court in **SALEEM TOURS AND TRAVELS v. JOINT TRANSPORT COMMISSIONER AND SECRETARY, RTA, HYDERABAD AND ANOTHER**. In the light of the law declared by this Court, the only option that is available to the petitioner is to file the objections or an application for the release of the vehicle and also explanation to the show cause notice if any issued requiring the petitioner to pay the tax. The learned counsel for the petitioner states that such an application has already been filed by the petitioner on 21-10-2004 and the amount of tax due was also paid. Yet the vehicle was not released. It is under those circumstances, the present writ petition has been filed.

This Court vide its order dated 10-11-2004 directed the vehicle to be released. It is submitted by the learned counsel for the petitioner that pursuant to the directions of this Court, the vehicle had already been released.

In the circumstances, the only direction that could be issued now at this stage is to direct the respondents to pass appropriate orders on the objections/application stated to have been filed by the petitioner within three days from the date of receipt of a copy of this order. It shall always be open to the respondents to proceed further in the matter depending upon the nature of the order to be passed by them. There shall be an order accordingly.

The writ petition is accordingly disposed of. There shall be no order as to costs.

B.SUDERSHAN REDDY, J

DATE: 29th November, 2004

T.CH.SURYA RAO, J

Note: furnish copy of the order by day after tomorrow.

B/o

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To

1 The Regional Transport Authority, Chittoor.
2 Assistant Motor Vehicle Inspector, Integrated Check Post, Naraharipeta, Chittoor District.

3 Two CCs to the Government Pleader for Transport, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.